

## DECLARATION and POWER OF ATTORNEY

I, Roger Nicholas hereby declare that:

My residence and post office address is:  
282 Winston Road, Akron, Ohio 44313.

I am a citizen of: United States of America.

I believe I am the original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METAL CUTTING TOOL, the specification of which:

- 1) \_\_\_\_\_ is attached hereto.
- 2) xx was filed on April 11, 2006 as Serial No. 10/575,390 and was amended on \_\_\_\_\_ (if applicable).
- 3) xx was described and claimed in PCT International Application No. PCT/US04/34200, filed on October 14, 2004 and amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose to the Office information of which I am aware which is material to patentability. Such information is material to patentability when it is not cumulative to information already of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application for patent or inventor's certificate listed below and have also identified below any corresponding foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>		<u>Priority Claimed</u>		
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>(Yes)</u>	<u>(No)</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Serial No. 10/575,390  
Docket No.: 16-555P/US - 2832

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty, as stated above, to disclose material information, as defined in Title 37, Code of Federal Regulations, §1.56, relating to events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

XX (Application Number) **60/510,815** (Filing Date) **November 26, 2004**

I hereby designate as our mailing address the office of:

TAROLLI, SUNDHEIM, COVELL & TUMMINO, LLP  
1300 East Ninth Street – Suite 1700  
Cleveland, Ohio 44114

And I hereby appoint each of the following attorneys, all of whom are associated with Tarolli, Sundheim, Covell & Tummino, LLP (Telephone No. 216/621-2234), as attorney of record to prosecute this application and to transact all business in the Patent Office connected therewith: John R. Hlavka, Reg. No. 29,076; Robert B. Sundheim, Reg. No. 20,127; Calvin G. Covell, Reg. No. 24,042; Barry L. Tummino, Reg. No. 29,709; James L. Tarolli, Reg. No. 36,029; Richard S. Wesorick, Reg. No. 40,871; Matthew M. Shaheen, Reg. No. 45,367; Richard A. Sutkus, Reg. No. 43,941; Gary J. Pitzer, Reg. No. 39,334; and Christopher P. Harris, Reg. No. 43,660.

And I hereby appoint the foregoing John R. Hlavka, Reg. No. 29,076, principal attorney.

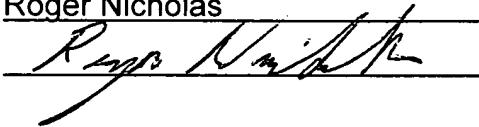
This appointment shall include all power to prosecute and transact all business relating to all applications corresponding to the referenced application in all countries, including

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all regional and international patent offices, such as, but not limited to, the European Patent Office and all offices and bureaus established in accordance with the Patent Cooperation Treaty.

I hereby further designate and appoint any officer of Tarolli, Sundheim, Covell & Tummino, LLP my attorney in fact with full power of substitution and revocation, including power to designate a substitute principal attorney.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Full name of Inventor: Roger Nicholas  
Inventor's signature:  Date: 1-16-2007  
Residence: Akron, Ohio  
Citizenship: U.S.A.  
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